

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DARIN DUNCAN,
Plaintiff,

V.

UNIVERSITY OF TEXAS HEALTH
SCIENCE CENTER at HOUSTON,
Defendant.

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CIVIL ACTION NO.
4:09-CV-00715

**UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON'S
CONSENT MOTION FOR EXTENSION OF TIME TO ANSWER,
MOVE OR OTHERWISE RESPOND TO PLAINTIFF'S ORIGINAL COMPLAINT**

TO THE HONORABLE EWING WERLEIN, JR.:

Defendant The University of Texas Health Science Center at Houston ("UTHSC") submits this Consent Motion for Extension of Time to Answer, Move or Otherwise Respond to Plaintiff's Original Complaint, as authorized by Federal Rule of Civil Procedure 6(b) and would respectfully show the Court as follows:

1. Plaintiff is Darin Duncan; Defendant is UTHSC.
2. Duncan has brought a number of claims against UTHSC relating to his expulsion from UTHSC.
3. UTHSC was served with Plaintiff's Original Complaint (the "Complaint") on March 18, 2009. Accordingly, UTHSC's deadline to answer, move or otherwise respond to the Complaint is April 6, 2009.
4. Undersigned counsel was not assigned this case until March 30, 2009. When counsel reviewed the documents served on UTHSC, it became clear that none of the Exhibits to the Complaint were served on UTHSC, making it difficult for counsel to fully evaluate what actions to take with respect to the Complaint.

5. Undersigned counsel contacted Plaintiff's counsel, Randall Kallinen, explained the situation, and requested an additional week to respond to the Complaint on April 1, 2009. Plaintiff's counsel consented to the extension and sent the missing documents by email to undersigned counsel. Undersigned counsel is now filing this motion to extend time as soon as practical and before the deadline to respond has passed.

6. UTHSC requests an extension of time of one week to April 13, 2009, to respond to the Complaint so that counsel can fully research Plaintiff's claims and UTHSC's possible defenses.

7. UTHSC's request to extend time is for good cause and is not intended to delay these proceedings. *See* FED. R. CIV. P. 6(b)(1)(A).

For these reasons, UTHSC asks the Court to extend the time for it to answer, move, or otherwise respond to the Complaint until April 13, 2009.

Respectfully submitted,

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First Assistant Attorney General

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/s/ Mishell B. Kneeland
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*ATTORNEYS FOR DEFENDANT THE UNIVERSITY
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HOUSTON*

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of April, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the all counsel of record in this matter.

/s/ Mishell B. Kneeland
Mishell B. Kneeland
Assistant Attorney General